

# Notice of Allowability

## Application No.

09/991,114

## Examiner

Robert M. Pond

## Applicant(s)

NAGANO ET AL.

## Art Unit

3625

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (11/05/07); Interview (20070815; Reasons for Allowance (20080122)).
2. ☒ The allowed claim(s) is/are 1-5 and 8-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070815.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The field of invention pertains to editing computer graphics data and specifically provides a network-based service of editing graphics images received from creators or illustrators whereby the received graphics images are edited and represented as motion-enabled images for presentation to client terminals for selection.

Method claims 10 and 11: The cited prior art neither alone nor in combination teaches the claimed invention. Specifically, the prior fails to teach and suggest alone or in combination: after receiving the image from an image creator terminal, automatically dividing the image into a plurality of components, associating motion data with at least one motion with at least one component of the image to impart motion, automatically combining all components and all respective associated motion data to impart motion to the image, and presenting the motion-enabled image via the network to a client terminal for selection of one or more of the associated motion data to display the image exhibiting the selected motion.

Apparatus claim 1 and 3: Similar rationale applies to claims 1 and 3.

**Closest US Patent/Patent Publications- Brickmore (Paper #20070722, US 6,466,213)**

Brickmore teaches avatar creation, transmission across a network, and use of an avatar within an online community. Brickmore, however, fails to disclose alone or teach and suggest alone or in combination with other prior art the claimed invention: after receiving the image from an image creator terminal, automatically dividing the image into a plurality of components, associating motion data with at least one motion with at least one component of the image to impart motion, automatically combining all components and all respective associated motion data to impart motion to the image, and presenting the motion-enabled image via the network to a client terminal for selection of one or more of the associated motion data to display the image exhibiting the selected motion.

Forward and backward citations of Brickmore failed to produce prior art more useful than Brickmore.

Regarding Girling (US 6,924,803): Girling is patent prior art of interest but fails to disclose or teach and suggest the claimed invention. Girling's invention provides real-time viewing of animated figures as they are being produced within the same desktop view.

**Closest Non-patent Literature- Yerton (PTO-892, Item U)**

Yerton teaches Turbo Squid ([www.turbosquid.com](http://www.turbosquid.com)) proving an electronic commerce outlet for 2D and 3D animations. Creators/illustrators submit their

animated creations to the service for resale. Yerton, however, neither alone nor in combination with other cited prior art teach and suggest the claimed invention. Further searching pertaining to Turbo Squid's service failed to reveal teachings whereby once the creations were transferred over the network to Turbo Squid, the images are: divided into a plurality of components, edited by associating motion data, combined with associated motion data, and presented to a client terminal for selection of one or more of the associated motion data. In other words, animators submit completed works to turbosquid.com for resale without editing on the part of Turbo Squid's systems. Yerton further provides no motivation to combine with Brickmore as noted above.

Regarding Anonymous (PTO-892, Item: V): Anonymous is non-patent literature prior art of interest but fails to disclose or teach and suggest alone or in combination the claimed invention. Anonymous discloses imparting animation to clip art using PowerPoint.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625  
January 22, 2008